

July 8, 2025

**VIA ECF**

Hon. Mary Kay Vyskocil  
United States District Judge  
United States District Court  
Southern District of New York

USDC SDNY
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**Re: *Gull Keys I LLC v. Fulton Advisory Beef Fund I, LLC, et al., 1:23-cv-09058-MKV (S.D.N.Y.)***

Dear Judge Vyskocil:

We represent Gull Keys I LLC (“Gull Keys”) in the above-captioned matter. We write jointly with counsel for Defendants Fulton Advisory Beef Fund I, LLC, Blake Adams, Wendell Thuss, and AGEX, Inc. (collectively, “Defendants”) to request that the Court stay all remaining interim discovery deadlines pending the Court’s decision on Defendants’ *sub judice* motion to dismiss. ECF Nos. 47-48, 51, 53.

**I. Remaining Deadlines**

Under the parties’ case management plan, the following deadlines apply: depositions to be completed by August 15, 2025, joint status letter due September 18, 2025, and expert discovery to be completed no later than October 29, 2025. ECF No. 72

**II. Nature of the Parties’ Request to Stay All Remaining Interim Discovery Deadlines**

Written discovery and document productions are substantially complete. The parties wish to avoid the potential burden and expense of deposing witness both while the pleadings are open and, in the event the Court denies Defendants’ dismissal motion, after issue is joined.

Accordingly, the parties respectfully request that the Court stay the remaining interim discovery deadlines pending the Court’s decision on Defendants’ dismissal motion.

**III. Procedural Posture**

**A. Defendants’ *Sub Judice* Motion to Dismiss**

Following the parties’ October 8, 2024, conference, the Court issued a scheduling order directing the parties to file briefing on Defendants’ Motion to Dismiss the Second Amended Complaint. *See* ECF No. 46. In turn, Defendants filed their Motion to Dismiss the Second Amended Complaint (“Motion to Dismiss”) on October 11, 2024. *See* ECF No. 46. Plaintiff filed its opposition to the Motion to Dismiss on October 11, 2024, and Defendants filed their reply on October 15, 2024. *See* ECF Nos. 51, 53. Defendants’ Motion to Dismiss is the only motion pending in this action.

**B. Discovery to Date**

On October 22, 2024, the parties exchanged initial disclosures. On October 29, 2024, the

parties filed a Proposed Stipulation and Confidentiality Agreement and Order governing the production of documents which Your Honor so ordered that same day. ECF Nos. 57-58. On November 5, 2024, Plaintiff served Defendants with its first set of requests for production of documents ("Gull Key's 1st RFPs"). On November 12, 2024, Defendants served Plaintiff with their first set of requests for production of documents ("Defendants' RFPs").

Additionally, on December 11, 2024, Defendants served Gull Keys with their responses and objections to Gull Key's 1<sup>st</sup> RFPs and an initial document production. On December 20, 2024, Gull Keys served Defendants with its responses and objections to Defendants' RFPs and its document production. Further, in response to Gull Keys' deficiency letter, Defendants produced additional documents on February 26, 2025.

On April 11, 2025, Gull Keys issued subpoenas duces tecum to the following third parties: Shepard Hay and AG Products, LLC, Brandon Jones and Robin Lenon. On April 25, 2025, Gull Keys served Defendants with its second set of requests for production. That same day, third party Shepard Hay and AG Products, LLC produced documents in response to the subpoena duces tecum it was served with.

On June 13, 2025, Gull Keys served Defendants with notices of deposition, interrogatories, and requests for admission.

### **C. Status of Settlement Discussions**

Between November 6, 2024, and January 7, 2025, the parties attended several joint and private settlement phone conference before Magistrate Judge Wang. As indicated in the parties' January 16, 2025, joint letter, the parties reached an impasse in negotiations and elected to forego any further Court-directed settlement conferences. ECF No. 67. The parties are not actively pursuing settlement at this time.

The parties thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Terry M. Henry  
Terry M. Henry  
BLANK ROME LLP  
Attorneys for Plaintiff

/s/ Caroline Newman Small  
Caroline Newman Small  
DAVIS & SANTOS, P.C.  
Attorneys for Defendants

IT IS HEREBY ORDERED that the parties' request for a stay is DENIED. However, discovery deadlines are HEREBY extended as follows:

- All fact discovery, including depositions, shall be completed no later than October 10, 2025.
- The parties shall submit a joint status letter, as outlined in the Case Management Plan, on or before October 17, 2025.
- Expert discovery shall be completed no later than December 9, 2025.

SO ORDERED.

Date: July 28, 2025  
New York, New York

  
Mary Kay Vyskocil  
United States District Judge